

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, March 21, 2007 - 3:30 p.m.

PUBLIC HEARINGS – 5:30 P.M.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Note: All City Council meetings are on the City of Saint Paul's website. Meetings can be viewed in their entirety or a specific item can be viewed. Visit our website at www.ci.stpaul.mn.us/council and click on Watch the Live Webcast.

The meeting was called to order at 3:35 p.m. by Council President Lantry

Present – 6 –Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 1 – Benanav (excused)

CONSENT AGENDA (Items 1 - 21)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Helgen requested Item 17 be removed for discussion

Councilmember Thune moved approval of the consent agenda approved as amended Adopted as amended Yeas -6 Nays -0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- Claims of Emily Brasel, Matthew Doughty, Sharifa Elaraj (attorney for Gabino Barrera Cardona), Sharifa Elaraj (attorney for Juan Cardona), Paula Gudmundson, Sadik N. Ismail, Heather J. Jacobson, Lori Kieffer, Samuel Mengistu, Bridget McMahon, Cher Moua, Teresa Zepeda Montanez, Semora Buford Murrell, Jacob Pertzsch, Jeff Rodgers, Tim Ryan, Olivia Scullark, Shonda Turner, and Be Yang. Referred to Risk Management
- 2. Summons and Complaint in the matter of Thanh Thuy Tran vs. the City of Saint Paul. Referred to the City Attorney's Office

3. Claim in the matter of Jimmy J. Micius vs. the City of Saint Paul Police Department, et al.

Referred to the City Attorney's Office

4. Administrative Orders:

D002631 Approving the move of budget authority to cover a 2006 year-end variance within the Cable Communications Special Revenue Fund.

D002632 Approving the move of budget authority to cover 2006 year-end variances within the Special Project General Government Special Revenue Fund.

D002633 Amending the spending plans for the Department of Public Works General Fund activities.

On file in the City Clerk's Office

FOR ACTION

5. Resolution – 07-235 – Approving the Memorandum of Agreement between the City and Classified Confidential Employees Association – Professional which replaces the previously approved pilot project MOA for the Human Resources Consultant Job Family. (Laid over from March 14 for adoption)

Adopted Yeas - 6 Nays - 0

6. Resolution - 07-257 – Approving the Memorandum of Agreement between the City and the Professional Employees Association which replaces the previously approved pilot project MOA for the Human Resources Consultant Job Family. (To be laid over one week for adoption)

Laid over to March 28 for adoption Yeas - 6 Nays - 0

7. Resolution – 07-258 – Approving an amended and restated Joint Powers Agreement for the Rush Line Corridor Task Force. (GS 3037713)

Adopted Yeas - 6 Nays - 0

8. Resolution - 07-259 – Authorizing the execution of a Second Amendment to a Lease-Purchase Agreement.

Adopted Yeas - 6 Nays - 0

9. Resolution – 07-260 – Approving the Final Plat for Jefferson Commons at Berry Street in order to create one (1) lot for three (3) residential buildings. (Zoning File 07-020-14) Adopted Yeas – 6 Nays – 0

10. Resolution - 07-261 - Amending C.F. #07-122 deleting the assessment for excessive consumption of inspection services from July 3 to August 3, 2006 at 307 Michigan Street.

Adopted Yeas - 6 Nays - 0

11. Resolution - 07-262 – Authorizing the Division of Parks and Recreation to undertake an integrated Pest Management/Pesticide Program on City property and post notification.

Adopted Yeas - 6 Nays - 0

12. Resolution - 07-263 – Authorizing the Division of Parks and Recreation to purchase food for Senior Citizen Programs and authorizing staff working the events to participate in meals and other food offered.

Adopted Yeas - 6 Nays - 0

13. Resolution - 07-264 –Authorizing the Police Department to enter into an agreement with Hamline Park Plaza Partnership to renew the lease for office space for the Police Department Employee Assistance Program.

Adopted Yeas - 6 Nays - 0

14. Resolution - 07-265 – Authorizing the Police Department to enter into an agreement with Camp Ripley for use of the United States Army's advanced training facility at Camp Ripley, Fort Ripley, Minnesota from April 29, 2007 through May 4, 2007 for the Police Academy Class 2007-1 training.

Adopted Yeas - 6 Nays - 0

15. Resolution - 07-266 – Authorizing the Police Department to enter into a Joint Powers Agreement with Wabasha County for the Wabasha County Sheriff's Office participation in the Internet Crimes Against Children Task Force.

 $Adopted \qquad Yeas-6 \qquad Nays-0$

16. Resolution – 07-267 – Approving the application with conditions, per the Legislative Hearing Officer, for Liquor On Sale-100 Seats or Less, Liquor On Sale-Sunday, Liquor On Sale-2:00 a.m. Closing, Liquor-Outdoor Services Area, Restaurant B-More than 12 Seats, Restaurant D Add-on, Entertainment B, Gambling Location, and Cigarette Tobacco licenses by Dao Hoang, owner, International Network Association, d/b/a Luxor Lounge, 719 Dale Street North.

Adopted Yeas - 6 Nays - 0

17. Resolution - 07-268 – Approving adverse action against all licenses held by Debra Johnson, d/b/a Sports Break, 1199 Rice Street.

(Discussed after the consent agenda)

18. Resolution - 07-269 – Approving adverse action against all licenses held by Dahouse, LLC, d/b/a Mike's Bar, 326 Grove Street.

Adopted Yeas - 6 Nays - 0

19. Resolution – 07-270 – Releasing utility easements in a portion of previously vacated Capitol Heights and accepting new utility, sewer, and sidewalk easements from Regions Hospital.

Adopted Yeas - 6 Nays - 0

- 20. Resolution Approving Assessment 07-271 In the matter of the assessment of benefits, cost and expenses for summary abatements (property clean-ups) on private property from January 30 to February 23, 2007 (J0703A); providing weekly garbage hauling services from January 31 to February 27, 2007 (J0703G); demolition of a vacant building at 492 Bay Street in February, 2007 (J0703C); removing diseased elm trees from private property during the 2006/2007 winter season (0701T); and setting date of Legislative Hearing for April 17, 2007 and City Council Public Hearing for May 2, 2007 Adopted Yeas 6 Nays 0
- 21. Resolution Approving Assessment 07-272 In the matter of the assessment of benefits, cost and expenses for the repair of sanitary sewer connections, at the request of the property owners, in conjunction with the Baker/Bellows Phase II RSVP project, and setting date of public hearing for April 18, 2007. (File No. 19014C2)

 Adopted Yeas 6 Nays 0

17. Resolution - 07-268 – Approving adverse action against all licenses held by Debra Johnson, d/b/a Sports Break, 1199 Rice Street.

This resolution is to revoke the license of Sports Break. Councilmember Helgen mentioned previous issues with this establishment as well as widening of the turn lanes at Rice and Maryland.

Councilmember Helgen moved approval.

Adopted Yeas - 6 Nays - 0

FOR DISCUSSION

22. Final Order – 07-219 – In the matter of improving the area referred to as the Hubbard/Griggs RSVP (Residential Street Vitality Project). (File No. 19033) (Laid over from March 7)

Councilmember Harris moved approval Adopted Yeas – 6 Nays – 0

Matt Smith, Director of Financial Services, introduced Russian delegates who were touring the United States and observing how our government works.

ORDINANCE

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

23. Final Adoption – 07-195 – An ordinance memorializing City Council action granting the application of Nou Vang to rezone property from I1 (Light Industrial) to TN2 (Traditional Neighborhood) at 892 Hamline Avenue North, northeast corner at Pierce Butler Route. (Zoning File No. 06-289-537)

Councilmember Thune moved approval

Adopted Yeas - 6 Nays - 0

(The meeting was recessed from 3:50 p.m. to 5:30 p.m.)

Present -5; Absent -2 – Benanav (excused), Montgomery (arrived later in meeting)

PUBLIC HEARINGS

24. Final Adoption – 06-1047 – An ordinance amending the Saint Paul Legislative Code by creating a new section, Legislative Code § 69.511, entitled "Parkland Dedication Requirements, Residential Developments." (Substitute introduced and laid over March 7 for public hearing)

Al Torstenson, Department Planning and Economic Development, gave a staff report and stated that delaying the effective date of the ordinance would affect HRA projects and building permits for projects in the pipeline.

Discussion amongst council members occurred regarding delaying the effective date of the ordinance or waiving the fee on a case-by-case basis for pending projects. An example was given of the Penfield development, the largest project at \$130 million, which would have a fee that amounts to \$83,000. There was also concern on specifics of park usage.

It was stated that there would be a development agreement between the City and the developer pertaining to how the park would be used.

Bob Bierscheid, Director of Parks and Recreation, explained the ordinance changes and stated that research shows property values stay at a higher value with neighboring parks.

The following spoke in opposition to the ordinance:

Chad Kulas, Chamber of Commerce, sees this as a negative for development in the City at a time when growth is being encouraged. Even though the fee is lower than other areas, St. Paul's tax base is higher.

The following spoke in support of the ordinance:

Gregory Page, St. Paul Riverfront Corps; Chuck Repke, Northeast Development Corporation; Peggy Lynch, Friends of the Mississippi Parks and Trails; and Kathleen Werthman (SP?), 1593 Hillcrest Avenue.

- The ordinance will integrate development strategy with the "City in the Park" or "Park in the City" model. It will distinguish Saint Paul from other cities.
- With projections of one million new people moving to the metro area in the next 10 years, this will mean more dense development with more open space and will add more value to developments.
- Two-thirds of residents surveyed said they would pay more for a home that is within walking distance to a park.
- The ordinance should be part of a broader, comprehensive plan in maintaining parks.
- This is a fairer fee than the earlier version proposed.
- The ordinance is used at the state level as well as other metropolitan municipalities and is used all over the country as well.
- The ordinance is an investment for children by having more green space.

Council President Lantry and Councilmember Thune introduced and moved approval of amendments

$$Yeas - 6$$
 Nays - 0

Councilmember Thune moved to close the public hearing and lay over to March 28 for final adoption Yeas - 6 Nays - 0

25. Third Reading – 07-147 – An ordinance amending Chapter 13 of the Saint Paul Administrative Code to reflect the creation of the new Department of Safety and Inspections. (Laid over from February 14)

Bob Kessler, Director, Department of Licensing and Environmental Protection, gave a staff report on items #25 - #27 which pertain to the new Department of Safety and Inspections Department. He sees the merger as an opportunity to provide better service and they are going through a strategic planning process to address issues and unite the divisions.

Councilmember Helgen would like to see policies promoted that aren't just set for compliance but prevention and healthy communities.

No one appeared in opposition; Councilmember Thune moved to close the public hearing. Yeas -5 Nays -0 Laid over to March 28 for final adoption

Councilmember Thune was not present for Items 26-34.

26. Third Reading – 07-148 – An ordinance amending the Saint Paul Administrative Code to reflect the creation of the Department of Safety and Inspections and clarify duties no longer performed by the City. (Laid over from February 14)

No one appeared in opposition; Councilmember Harris moved to close the public hearing Yeas - 5 Nays - 0 Laid over to March 28 for final adoption

27. Third Reading – 07-149 – An ordinance amending the Saint Paul Legislative Code to reflect the creation of the new Department of Safety and Inspections. (Laid over from February 14)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing Yeas-5 Nays - 0 Laid over to March 28 for final adoption

28. Third Reading – 07-212 – An ordinance amending the Charter of the City of Saint Paul to place the City Clerk under the authority of the City Council.

No one appeared in opposition; Councilmember Harris moved to close the public hearing Yeas - 5 Nays - 0 Laid over to March 28 for final adoption

29. Third Reading – 07-213 – An ordinance amending Chapter 33 of the Saint Paul Legislative Code pertaining to Building Code and Inspection.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing Yeas-5 Nays - 0 Laid over to March 28 for final adoption

30. Third Reading – 07-214 – An ordinance amending Title VI of the Saint Paul Legislative Code modifying the Fire Certificate of Occupancy Program.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing Yeas – 5 Nays - 0

Laid over to March 28 for final adoption

31. Resolution – 07-218 – Approving the petition of Gary Ribble to vacate a 6-foot section of a 25-foot public walkway abutting 1371 McAfee Street between McAfee and the Bruce Vento Regional Trail. (Laid over from March 7 for continuation of public hearing)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval

Adopted Yeas - 5 Nays - 0

32. Resolution - 07-273 – Granting preliminary authorization for the Housing and Redevelopment Authority to issue up to \$5,700,000 in Tax Exempt Housing Revenue Bonds for the acquisition and renovation of the Commerce Building into 55 units of affordable rental housing.

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval

Adopted Yeas - 5 Nays - 0

33. Resolution – 07-274 – Approving a single family housing finance program to be financed by the issuance of single family mortgage revenue bonds.

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval

 $Adopted \qquad Yeas-5 \qquad Nays-0$

34. Resolution Ratifying Assessment – 07-275 – In the matter of the assessment of benefits, cost, and expenses for repair of sanitary sewer connections at 851 Marion Street and 958 Conway Street from July through December 2006. (File No. SWRP0603L) (Laid over from March 7)

No one appeared in opposition; Councilmember Helgen moved to amend the resolution by deleting the assessment for 851 Marion Street in its entirety and close the public hearing.

Adopted as amended (delete the assessment for 851 Marion Street)

Yeas - 5 Nays - 0

35. Resolution Ratifying Assessment – 07-276 – In the matter of the assessment of benefits, cost and expenses for boarding up vacant buildings at 1861 and 1871 Randolph Avenue during October 2006. (J0612B1) (Laid over from March 7) (Legislative Hearing Officer recommends approval of the assessments)

No one appeared in opposition; Councilmember Harris moved to close the public hearing Yeas-6 Nays -0

Councilmember Harris moved to lay over one week.

Laid over to March 28 Yeas- 6 Nays - 0

36. Resolution Ratifying Assessment – 07-277 – In the matter of the assessment of benefits, cost and expenses for boarding up vacant buildings in November 2006 (J0613B); demolition of vacant buildings in January 2007 (J0701C); summary abatements (property cleanup) from December 28, 2006 to January 12, 2007 (J0701A); providing weekly garbage hauling services from December 28, 2006 to January 10, 2007 (J0701G); and towing abandoned vehicles from private properties in November 2006 (J0608V). (Legislative Hearing Officer recommends the following:

1020 Ashland Avenue (J0608V) - recommendation is forthcoming; delete the assessment;

1622 Barclay Street (J0608V) - approve the assessment;

635 Bates Avenue (J0613B) - approve the assessment;

587 Como Avenue (J0701A) - approve the assessment;

943 Conway Street (J0701A) - approve the assessment and spread the payments over two (2) years;

<u>1028 Edgerton Street</u> (J0701A) - recommendation is forthcoming; <u>approve the assessment;</u>

1126 Edgerton Street (J0613B) - approve the assessment;

587 Elfelt Street (J0701A) - approve the assessment;

2007 Ivy Avenue East (J0613B) - delete the assessment;

<u>606 Jessamine Avenue East</u> (J0701G) – recommendation is forthcoming; <u>approve the</u> assessment and spread the payments over five (5) years;

1154 Lawson Street (J0701A) - recommendation is forthcoming; laid over to the March

27 Legislative Hearings and April 4 City Council Public Hearings;

1041 Park Street (J0613B) - approve the assessment;

1491 Seventh Street West (J0613B) - approve the assessment;

585 Thomas Avenue (J0701G) - recommendation is forthcoming; <u>laid over to the March</u>

27 Legislative Hearing and April 3 Public Hearing;

595 Thomas Avenue (J0701A) - reduce the assessment from a total of \$228 to a total of \$114:

1774 Upper Afton Road (J0613B) - delete the assessment; and

<u>90 Winnipeg Avenue</u> (J0701C) - recommendation is forthcoming; <u>approve the</u> assessment.)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval as amended

Adopted as amended (per the recommendation of the Legislative Hearing Officer)

$$Yeas - 6$$
 $Nays - 0$

37. Public hearing to consider the appeal of Cheryl Golden-Black to a decision of the Heritage Preservation Commission allowing for a new roof system with a steeper pitch, as proposed by owner, but requiring the dormers be set lower than the main ridge line at 805 East Fourth Street, Dayton's Bluff Historic District. (File No. 07-095)

Amy Spong, Heritage Preservation Commission (HPC), stated the HPC wanted to see the plan revised by dropping the dormers down to meet set criteria for this type of home.

Cheryl Golden-Black, the appellant, appeared. She sees the HPC's position as not being consistent with the historic facts and said other homes in Saint Paul do not meet the set criteria. The suggested revisions would create a tremendous financial impact for her and her husband as changing the dormers six inches would involve changing the inside of the home.

Councilmember Thune moved to close the public hearing Yeas-6 Nays - 0 Council President Lantry moved to grant the appeal Motion of Intent – Appeal Granted Yeas-5 Nays – 1 (Thune)

Suspension Items:

Councilmember Montgomery moved suspension of the rules to introduce the following resolution:

$$Yeas - 6$$
 $Nays - 0$

Resolution – 07-278 – Proclaiming March 21, 2007 as "Coach of the Year – Willie James Taylor Day"

Adopted Yeas – 6 Nays - 0

Councilmember Helgen moved suspension of the rules to introduce the following resolution:

Yeas -6 Nays -0

Resolution - 07-279 - Supporting Minnesota lawmakers to enact a state law implementing broadband access across Minnesota by 2015.

Councilmember Helgen moved approval.

Adopted Yeas - 6 Nays - 0

Councilmember Thune moved to adjourn the meeting. Yeas - 7 Nays - 0

ATTEST:	ADJOURNED at 06:55 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by: Carol Broermann	Minutes approved by Council